IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 10077 of 2006
Dated 29th day of June, 2006.

Between

P. Madhava Reddy ….Petitioner

And

The Divisional Forest Officer, Rajampet Division,
Rajampet, Kadapa District and ors.

….Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10077 of 2006

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the respondents in not releasing the vehicle, TATA SUMO, bearing registration NO. AP 16 AB 9909, which was seized on 21-3-2006, as illegal and arbitrary and for consequential direction to release the said vehicle to the petitioner.

It is the case of the petitioner that he is the owner of the aforesaid vehicle and the said vehicle was sent to Bangalore by engaging a driver, on some private work, but, however, the said vehicle was seized by the respondent authorities on the ground that it undertook transportation of Red Sandars un-authorizedely,

without due transit permit as required under Forest Produce Transit Rules framed under A.P. Forest Act, 1967. It is the further case of the petitioner that the said usage of vehicle is without his knowledge and there are no reasons to detain the vehicle indefinitely.

Counter affidavit is filed on behalf of the respondents stating that the said vehicle was involved in illegal transportation of Red Sanders Logs in Parikibanda locality of Jellelamanda beat in forest range of Sanipaya . It is stated that as much as the vehicle was used for illegal transit of red sanders, a case was registered and the vehicle was produced before the authorized officer before whom enquiry under Section 44 (1) & (2) of A.P. Forest Act, 1967 is already pending.

Though, it is submitted by the learned Counsel for the petitioner that the said usage is without his knowledge and there are no grounds to detain the vehicle indefinitely, but, from a perusal of the material papers filed along with counter affidavit, prima facie, it is made out that the vehicle was involved in forest offence by illegal transportation of red sanders. Whether the petitioner is not having knowledge or not, is a matter for enquiry by the competent authority under the A.P. Forest Act, 1967. This Court cannot record any finding at this stage. However, having regard to the gravity of allegation that the vehicle undertook transportation of red sanders illegally, without any valid permit as required under Forest Produce Transit rules, I do not find any ground for issuance of directions as sought, for release of the vehicle at this stage. However, as it is stated that notice under Section 44-2(B) of the A.P. Forest Act, 1967 is already issued on 23-6-1006, I dispose of the Writ Petition directing the respondents to complete the enquiry and pass

appropriate final orders within a period of six weeks from the date of receipt of this order. If the petitioner has not filed reply to the notice dated 23-6-2006, it is open for him to file reply within two weeks from today.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE:29-06-2006
Note: Dispatch order copy
by tomorrow.
(BO) Msnr.